

RECEIVED
CENTRAL FAX CENTER
JAN 19 2005

FACSIMILE TRANSMITTAL FORM	Application Number	09/820398
	Filing Date	March 29, 2001
	First Named Inventor	Yeung, Herbert Kam-Wah
	Art Unit	3627
	Examiner Name	Andrew Rudy
Fax: 703-872-9306	Attorney Docket Number	56380US002
Total Number of Pages in This Submission: 3		
Date: January 19, 2005	Attorney for Applicant: Colene H. Blank	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Amendment Transmittal	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Appeal Communication to Technology Center (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosures: Response to Restriction Requirement
<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR § 1.52 or 1.53	<input type="checkbox"/> Request for Refund	
	<input type="checkbox"/> Request for Continued Examination (RCE) Transmittal	
<input type="checkbox"/> Drawings	<input type="checkbox"/> After Allowance Communication to Technology Center	
REMARKS:		

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION
MAY CONTAIN CONFIDENTIAL OR LEGALLY PRIVILEGED INFORMATION
INTENDED ONLY FOR THE PERSON OR ENTITY NAMED BELOW.

If you are not the intended recipient, please do not read, use, disclose, distribute or copy this transmission.
If this transmission was received in error, please immediately notify me by telephone directly at (651) 737-2356 or
651-733-1500, and we will arrange for its return at no cost to you.

RECEIVED 2
CENTRAL FAX CENTER
JAN 19 2005

32692

Customer Number

Patent
Case No.: 56380US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: YEUNG, HERBERT KAM-WAH
Application No.: 09/820398 Group Art Unit: 3627
Filed: March 29, 2001 Examiner: Andrew Rudy
Title: SYSTEM AND METHOD FOR THIRD PARTY MANAGEMENT
OF PRODUCT MANUFACTURE ORDERING BY A SUB-END-
USER BASED UPON APPROVED PRODUCTS OF END-USER

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p align="center">CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]</p> <p>I hereby certify that this correspondence is being:</p> <p><input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p><input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.</p> <p><u>Jan 19, 2004</u> <u>Shannon M. Bruce</u> Date Signed by: Shannon M. Bruce</p>

Dear Sir:

This is in response to the Office Action mailed December 20, 2004. Claims 1-24 are pending. Claims 1-24 were restricted under 35 USC § 121 as follows:

- I. Claims 1-10 and 21 are said to be drawn to a system, classified in Class 235, subclass 383;
- II. Claims 11-20 are said to be drawn to a method for ordering a product, classified in Class 705, subclass 26;
- III. Claims 22-24 are said to be drawn to a network system, classified in Class 709, subclass 223.

Election

In response, Applicants elect Group I, with traverse.

Reconsideration and modification of the restriction requirement is respectfully requested.

Applicants submit that the Groups I and II and Groups I and III claims are so interrelated that a search of one group of claims will reveal art to the other. This argument is reinforced by the previous office action dated March 5, 2004, in which the Examiner reported on all claims in Groups

Application No.: 09/820398

Case No.: 56380US002

I and II without a restriction requirement. Moreover, the classification of Groups I and II and Groups I and III claims in different classes and subclasses is not sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I and II and Groups I and III, a separate examination of the claims in Groups I and II and Groups I and III would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II and Groups I and III would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I and II and Groups I and III, it would place an undue burden by requiring payment of separate filing fees for examination of the nonelected claims, as well as the added costs associated with prosecuting multiple applications and maintaining multiple patents.

Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

Date

By: _____

Colene H. Blank, Reg. No.: 41,056
Telephone No.: (651) 737-2356

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833